

**REMARKS**

**Anticipation Rejection over Watanabe et al.**

On page 2 of the Office Action, in paragraph 2, claims 1-9 and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe et al. (6,451,482).

In response, Applicant notes initially that the examiner describes in the second paragraph of item 2 on page 2 in the Office Action that "Watanabe et al. teaches in column 5, that the positive electrode comprised a paste comprising of  $\text{LiNi}_{0.85}\text{Co}_{0.15}\text{O}_2$ ". However, the ratio of lithium atoms to oxygen atoms of  $\text{LiNi}_{0.85}\text{Co}_{0.15}\text{O}_2$  described in Watanabe et al. is 0.5. On the other hand, the ratio of lithium nickel oxide described in claim 2 and claim 11 of the present application is limited to greater than 0.5.

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Further, the examiner describes in the last paragraph on page 2 in the Office Action that "Watanabe et al. teaches in column 4, lines 33-47, that the metallic lithium is deposited on the surface of the negative electrode and in column 6, lines 50-58, that after the experimental charge and discharge cycle showed a glossy deposit of metallic lithium on the negative electrode" (emphasis added). However, metallic lithium electrically connected to the positive electrode is not taught in Watanabe et al. Claim 1 of the present application is limited to a non-aqueous electrolyte secondary battery comprising metallic lithium electrically connected to the positive electrode. Claim 10 of the present application is also limited to a process comprising the step of assembling a positive electrode electrically connected to metallic lithium.

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In conclusion, Applicant submits that all the claims of the present application clearly exclude the description of Watanabe et al. Therefore, all claims are novel (and unobvious) over Watanabe et al., and withdrawal of this rejection is respectfully requested.

**Anticipation Rejection over Lee et al.**

On page 3 of the Office Action, in paragraph 3, claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (5,952,126).

In response, Applicant notes initially that the examiner describes in the second paragraph of item 3 on page 3 in the Office Action that "Lee et al. teaches in column 1, lines 33-40, that lithium compounds typically used as cathode material include lithium cobalt oxide, lithium nickel oxide or lithium manganese oxide and that lithium compounds employed as an anode material include metallic lithium". However, Lee et al. does not teach or suggest anything about metallic lithium electrically connected to the positive electrode, the ratio of lithium atoms to oxygen atoms of nickel oxide being greater than 0.5 or the ratio of lithium manganese oxide being greater than 0.25.

Therefore, Applicant submits that claims 1-8 are novel (and unobvious) over Lee et al., and withdrawal of this rejection is respectfully requested.

**Anticipation Rejection over Takada et al.**

On page 3 of the Office Action, in paragraph 4, claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Takada et al. (6,322,929).

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In response, Applicant notes initially that the examiner describes in the second paragraph of item 4 on page 3 in the Office Action that "Takada et al. teaches in column 6, a battery comprising a positive electrode material which could be  $Li_{1-y}NiVO_4$  or  $Li_{1-y}Mn_{2-x}Ni_xO_4$ , etc, a negative electrode comprising a metallic lithium ...". However, Takada et al. does not teach or suggest anything about metallic lithium electrically connected to the positive electrode, the ratio of lithium atoms to oxygen atoms of nickel oxide being greater than 0.5 or the ratio of lithium manganese oxide being greater than 0.25.

Therefore, Applicant submits that claims 1-8 are novel (and unobvious) over Lee et al., and withdrawal of this rejection is respectfully requested.

**Conclusion**

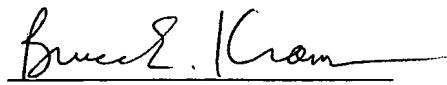
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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